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FM AMCONSUL RIO DE JANEIRO
TO SECSTATE WASHDC 7316
INFO AMEMBASSY BRASILIA
AMCONSUL SAO PAULO

~~CONFIDENTIAL~~ SECTION 1 OF 2 RIO DE JANEIRO 1341

E.O. 12065 GDS 3/26/85 (SIMMONS, WILLIAM L.) OR-P
TAGS: SHUM, PINT, BR
SUBJECT: (C) DEATH OF EX-PRISONER WHO HAD ALLEGED TORTURE IN
RIO PRISONS

REF: STATE 057550

1. (C) BEGIN SUMMARY. OFFICE OF RIO CARDINAL SALES TOLD CONGEN THAT CARDINAL EXCLUDED POSSIBILITY THAT POLICE DELIBERATELY PERMITTED PRISONER ARISTOTELINO JOSE DE OLIVEIRA TO ESCAPE IN DECEMBER OR WERE INVOLVED IN HIS SUBSEQUENT MURDER. STATE PRISON AUTHORITIES HAVE STRONGLY EMPHASIZED THEIR CONDEMNATION OF ANY TORTURE OF PRISONERS HELD ON CRIMINAL CHARGES. AT THE SAME TIME, THEY HAVE ADMITTED THAT PRISONS ARE SERIOUSLY OVERCROWDED AND THAT CRIMES AND OTHER ABUSES ARE FREQUENT WITHIN THE STATE'S PRISONS. WE BELIEVE THE CLEARLY DEPLORABLE STATE OF PRISONS HERE IS PRIMARILY A REFLECTION OF SOCIAL CONDITIONS PREVAILING IN BRAZIL RATHER THAN ANY DELIBERATE POLICY OF GOVERNMENTAL AUTHORITIES TO "DEHUMANIZE" CRIMINAL PRISONERS. END SUMMARY.

2. (C) ARISTOTELINO JOSE DE OLIVEIRA WAS ONE OF SEVERAL PRISONERS IN "ISOLATIONS" CELLS (E.O. SOLITARY CONFINEMENT) WHO TALKED WITH CARDINAL SALES ON DECEMBER 12 WHEN THE CARDINAL WAS UNDERTAKING HIS ANNUAL VISIT TO RIO PRISONS IN THE PRE-CHRISTMAS SEASON. THE CARDINAL TRADITIONALLY MEETS WITH PRISONERS AND CONDUCTS A MASS DURING SUCH VISITS. ARISTOTELINO WAS SERVING A TOTAL SENTENCE OF 29 YEARS AND FOUR MONTHS FOR VARIOUS ROBBERIES, ASSAULTS, FRAUDS AND FALSIFICATIONS IN RIO AND SUBURBAN CITIES. HE HAD BEEN PLACED IN AN ISOLATION CELL AS PUNISHMENT FOR HIS EIGHTH ESCAPE FROM PRISON. (HE WAS CAPTURED OCTOBER 9 IN FLAGRANTE DELICTO DURING AN ARMED ROBBERY.) ACCORDING TO PRESS REPORTS (AND A TELEVISED ACCOUNT OF HIS MEETING WITH THE CARDINAL WHICH CONGEN POLOFF WITNESSED) ARISTOTELINO TOLD THE CARDINAL THAT HE WAS BEING UNJUSTLY PUNISHED FOR ALLEGED TRAFFICKING IN MARIJUANA WITHIN THE PRISON. SEVERAL OTHER PRISONERS ALSO COMPLAINED OF HARSH TREATMENT WITHIN THE PRISON AND VOICED FEARS THAT THEY MIGHT SUFFER REPRISALS FOR THEIR HAVING TALKED TO THE CARDINAL AND THE JOURNALISTS WHO WERE ACCOMPANYING HIM.

3. (C) FOLLOWING THE VISITS TO TWO PRISONS ON DECEMBER 12 WHICH RECEIVED WIDESPREAD PUBLICITY, INCLUDING THE TELEVISED ENCOUNTER WITH ARISTOTELINO WHICH WAS SHOWN NATIONWIDE ON THE GOLOBO TELEVISION CHAIN EVENING NEWS PROGRAM, GOVERNOR FARIA LIMA ISSUED INSTRUCTIONS THAT MEDIA REPRESENTATIVES WOULD NOT BE PERMITTED TO ACCOMPANY THE CARDINAL ON HIS OTHER VISITS TO PRISONS. THIS TOUCHED OFF A MINOR CONTRETEMPS BETWEEN THE CARDINAL AND THE GOVERNOR, WITH THE FORMER REFUSING TO UNDERTAKE PRISON VISITS

UNDER THE CIRCUMSTANCES (HE DESIGNATED AN ASSISTANT TO MAKE THE VISITS).

4. (C) ON DECEMBER 17, ARISTOTELINO WAS TRANSFERRED FROM LEMOS DE BRITO PRISON TO RIO'S MEDICAL-LEGAL INSTITUTE FOR A PHYSICAL EXAMINATION TO DETERMINE IF HE HAD INJURIES WHICH MIGHT HAVE RESULTED FROM MALTREATMENT. THE TESTS WERE NEGATIVE. ACCORDING TO HIS GUARD, ON LEAVING THE INSTITUTE ON DECEMBER 18, ARISTOTELINO MANAGED TO ELUDE THE GUARD IN THE CROWD AND TRAFFIC IN THE JUST OUTSIDE THE INSTITUTE. BULLETINS WERE ISSUED CONCERNING HIS ESCAPE TO VARIOUS POLICE HEADQUARTERS.

5. (C) ON MARCH 1, ARISTOTELINO WAS FOUND NEXT TO A STOLEN FIAT AUTOMOBILE IN BELFORD ROXO, A RIO SUBURB IN THE "BAIXADA FLUMINENSE" NOTED FOR ITS PARTICULARLY HIGH CRIME RATE, MURDERS AND GANGLAND ASSASSINATIONS. HE HAD BEEN SHOT TWICE WITH A 38 CALIBER PISTOL. THE STATE JUSTICE SECRETARY ALMOST IMMEDIATELY ISSUED A STATEMENT, EVIDENTLY TO DISPEL RUMORS ALREADY CURRENT, THAT "IT WAS INFAMOUS TO THINK THAT HIS ESCAPE WAS PREMEDITATED BY THE POLICE."

6. (C) THE DECEMBER INTERVIEWS AND A SUBSEQUENT MURDER OF A FAMOUS IMPRISONED RIO CRIMINAL BY ANOTHER INMATE FOCUSED PRESS ATTENTION ON THE GENERAL PROBLEM OF PRISON CONDITIONS FOR SEVERAL WEEKS. WHILE THE STATE PRISON DIRECTOR STATED THAT HE "DOES NOT ACCEPT, NOR HAS EVER ACCEPTED OR WILL ACCEPT ANY VIOLENCE AGAINST PRISONERS," ALL CONNECTED WITH THE PRISON SYSTEM, INCLUDING THE STATE GOVERNOR, AGREED THAT THE 14 PRISONS IN THE STATE WERE GREATLY OVERCROWDED - SEVERAL HOLDING TWICE THE CAPACITY OF PRISONERS FOR WHICH THEY ORIGINALLY INTENDED TO HOLD. ASIDE FROM OVERCROWDING, CRIME WITHIN PRISONS, DRUG TRAFFICKING AND OTHER ABUSES WERE NOTED AS COMMON. ALTHOUGH NOT DIRECTLY ATTRIBUTABLE TO THE PRESS OUTCRY, THE STATE DID UNDERTAKE FOR THE FIRST TIME TO PERMIT 185 PRISONERS TO VISIT THEIR FAMILIES OVER THE CHRISTMAS HOLIDAYS. ADDITIONALLY, SEVERAL CRIMINAL LAWYERS WORKING WITH JUDGES HAVE PROPOSED CHANGES IN PENAL CODES WHICH WILL BE PLACED BEFORE THE FEDERAL CHAMBER OF DEPUTIES THIS YEAR AND WHICH WOULD REDUCE THE TIME OF SENTENCE SERVED BEFORE ELIGIBILITY FOR PAROLE FROM THREE-QUARTERS TO ONE-HALF. IN THE PAST THREE MONTHS, THERE HAVE ALSO BEEN RIOTS AND MASS ESCAPES IN SEVERAL RIO PRISONS.

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7. (C) CONGEN OFFICER MET WITH FATHER DIONEL AMARAL, PRESS SECRETARY TO CARDINAL SALES, ON MARCH 19 TO REVIEW ARISTOTELINO CASE. AMARAL (PLEASE PROTECT) SAID THAT CARDINAL WAS SATISFIED THAT POLICE WERE NEITHER INVOLVED IN ARISTOTELINO'S ESCAPE IN DECEMBER NOR IN HIS SUBSEQUENT DEATH IN MARCH. THE LATTER EVENT HE ATTRIBUTED TO INTERNAL QUARRELING AMONG CRIMINAL ELEMENTS. HE INDICATED THAT THE RIO ARCHDIOCESE HAD ASSIGNED ONE PRIEST TO CONCERN HIMSELF EXCLUSIVELY WITH THE WELFARE OF PRISONERS.

8. (C) COMMENT: COMPLAINTS OF MISTREATMENT, AND IN SOME CASES OF TORTURE, FROM PERSONS HELD BY THE POLICE ON CRIMINAL CHARGES IN PRISONS OR IN POLICE DETENTION CENTERS ARE WIDELY REPORTED BY THE RIO AND SAO PAULO

NATIONAL PRESS. SUCH COMPLAINTS ARE NOT UNCOMMON. WE WOULD SUSPECT THAT MANY OF THESE ACCUSATIONS ARE ACCURATE WHILE OTHERS ARE SELF-SERVING. IN THE SPECIFIC CASE OF ARISTOTELINO, IT APPEARS HE MAY WELL HAVE BEEN HELD IN SOLITARY CONFINEMENT BEYOND THE 30 DAYS PERMITTED BY LAW. ALTHOUGH THE GOVERNMENT MEDICAL EXAMINATION WAS NEGATIVE, THIS CANNOT BE TAKEN AS CONCLUSIVE EVIDENCE THAT HE WAS NOT PHYSICALLY MALTREATED. HOWEVER, AS ALREADY INDICATED, RIO PRISONS SUFFER FROM ACUTE OVERCROWDING, INTERNAL CRIME AND SOCIAL ILLS. AT THE SAME TIME, WE ACCEPT AT FACE VALUE RIO'S PRISON DIRECTOR'S STATEMENT THAT HE DOES NOT CONDONE TORTURE OF CRIMINAL PRISONERS. BUT, IN GENERAL, IT IS PROBABLE THAT PRISON LIFE IN RIO IS EXTREMELY HARSH BOTH FROM A PHYSICAL AND PSYCHOLOGICAL POINT OF VIEW. THIS, AS EMBASSY BRASILIA HAS INDICATED IN PREVIOUS MESSAGES, IS PRIMARILY A REFLECTION OF SOCIAL CONDITIONS PREVAILING IN BRAZIL RATHER THAN ANY DELIBERATE POLICY ON THE PART OF GOVERNMENTAL AUTHORITIES AT VARIOUS LEVELS TO "DEHUMANIZE" PRISONERS. RIO'S NEW JUSTICE SECRETARY, WHO TOOK OFFICE MARCH 15, HAS INDICATED THAT THE PENITENTIARY SYSTEM CONSTITUTES AN "IMMEDIATE PROBLEM" WHICH WILL BE EXAMINED BY HIS ERPUTARIATE. HOWEVER, IN OUR VIEW, IT WOULD BE UNREALISTIC TO EXPECT ANY SHORT-TERM DRAASTIC IMPROVEMENT EITHER IN PRISON CONDITIONS IN THIS STATE (OR IN BRAZIL AS A WHOLE) OR IN ANY MARKED REDUCTION OF POLICE BRUTALITY TOWARDS LOW-INCOME INDIVIDUALS SUSPECTED OF COMMON CRIMES.

9. (U) THIS MESSAGE WAS COORDINATED WITH EMBASSY BRASILIA.
DEXTER

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